## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Charles C., Sr. and Patricia G. Chlebda. The Petitioners request relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 25 feet for a proposed 14' x 28' addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

in support of

9751 Magledt Road

Administrative Variance

19 9 E, before me, a Notary Public of the State

21234

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of September, 1992 that the Petition for Administrative Variance requesting relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 25 feet for a proposed 14' x 28' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> > - 2-

LAWRENCE E. SCHMIL Zoning Commissioner for Baltimore County

LES:bjs

Baftimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 11, 1992

Mr. & Mrs. Charles C. Chlebda, Sr. 9751 Magledt Road Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE NE/Corner Magledt and Melaine Roads (9751 Magledt Road) 11th Election District - 6th Councilmanic District Charles C. Chlebda, Sr., et ux - Petitioners Case No. 93-29-A

Dear Mr. & Mrs. Chlebda:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

LAWRENCE E. SCHMIDT

LES:bjs

cc: People's Counsel

Zoning Commissioner for Baltimore County

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County 9751 Magledt Road for the property located at Baltimore, MD 21234

which is presently sened Residental This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1.802.3.8 to permit a side yard setback of 12 feet in

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

HARDSHIP Mrs. Chlebda's mother (Mrs. Marie Johnson) will be moving to and residing at the 9751 Magledt Road address. The present configuration of the house at this address is unable to accommodate Mrs. Johnson due to her physical limitations. Mrs. Johnson has great difficulty in climbing steps, therefore, a second floor addition/expansion is unacceptable.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s) Charles C. Chlebda, Sr. (Type or Print Name) Charle C Chalde for Patricia G. Chlebda Latura D Cliffola W 965-1112 9751 Magledt Road H 665-2921 Baltimore MD 21234 City State Zipcode
Name, Address and phone number of legal owner contract purchaser or representable Patricia Chilebda w-965-1112 9531 May 10d 17-645 2921 

111 West Chesapeake Avenue

Mr. & Mrs. Charles C. Chlebda

9751 Magledt Road

Baltimore, MD 21234

Dear Mr. & Mrs. Chlebda:

Towson, MD 21204

Zoning Commissioner of Baltimore County

887-3353

• 93-29-A

## ZONING DECRIPTION FOR 9751 MAGLEDT ROAD BALTIMORE, MD 21234

Being that Lot located on the east corner of the intersection of Magledt and Melanie Roads, Magledt Road being 60 feet wide and Melanie Road being 50 feet wide; being Lot# 16 in the subdivision of Village of Vanderway, as recorded in Baltimore County Plat Book 50, Folio 10, containing .1882 acres +/-A/K/A 9751 Magledt Road.

charles + Patricia chlebda

Location of Signer Focing Dadway, on fragerty of Politioners

9757 May last Rd, of Cond May last + Molarto Rds

Computer Down

PETITIONER: Charles Chleson, SR. ET UX 9751 MAGLET RO. 21234

C.D. : 6 PILING: ADMIN. VARIANCE

(PETITIONER SITE)

Z.O. : 11

altimore Count County Office Building 111 West Chesapeake Avenu **Jaleoon** 

PAID PER HAND-WRITTEN RECEIPT DATED 7/29/92

8/03/92 H9300034 PUBLIC HEARING FEES 010 -ZDNING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: CHLEBDA, SR.

accordingly. The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments

from each reviewing agency are not intended to indicate the

appropriateness of the zoning action requested, but to assure that all

parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional

comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the

date of the enclosed filing certificate and a hearing scheduled

improvements that may have a bearing on this case.

Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government

Office of Zoning Administration

and Development Management
Office of Planning & Zoning

August 18, 1992

RE: Item No. 34, Case No. 93-29-A Petitioner: Charles C. Chledba, et ux

Petition for Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at

That based upon personal knowledge, the following are the facts the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) Mrs. Johnson is a kidney dialysis patient and has received treatments

for the past 12 years. She receives treatments 3 times a week outside the home. Due to her condition, some physical limitations exists

including climbing stairs. Mrs. Johnson became a widow in November 1990 and is now living alone. Because of her condition, changing her

residence to 9751 Magledt Road would ensure immediate attention in the event of an emergency situation as well as her everyday needs.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Charles C. Chlebda, Sr.

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

July 28, 1592.

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 29th day of July, 1992

Zoning Plans Advisory Committee

Petitioner: Charles C. Chlebda, et ux Petitioner's Attorney:

Authorized signature	King	Date <b>8/24</b>
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70476 ZON DED - TE (Waiting for developer to	submit o	<del>- ,</del>
COUNT 1		
/ Theresa A. Mahlstedt	N)C	7-13- <del>7</del> 2
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Michael And Patricia A. Perholtz		
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/ Charles C Sr. And Patricia G.		17
/ DED DEPRM RP STP TE	340 N	1/0.

7367-92

700 East Joppa Road Suite 901 Towson, MD 21204-5500

AUGUST 6, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: CHARLES C. CHLEBDA, SR. AND PATRICIA G. CHLEBDA Location: #9751 MAGLET ROAD

Baltimore County Government

Fire Department

Item No.: \* 34 (JCM) Zoning Agenda: AUGUST 10, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

Noted and Fire Prevention Bureau Planning Group U Special Inspection Division

JP/KEK

ZONING OFFICE

93-29-A 8-31 Department of Recreation and Parks ; Development Review Committee Response Form

Authorized signature

Date \$3192 File Number Zoning Issue Meeting Date √ Alfred Pinkard 8-10-92 / Bee Tree Partnership DEPRM RP Lo Coment / Albert F. Baumgart DEPRM RP Edith B. Ransom Michael And Patricia A. Perholtz DEPRM RP Charles C., Sr. And Patricia G. Chelbda Lo Comet COUNT 6 J James And Linda Heier 8-24-92 DED DEPRM RP STP TE Allan L. Snyder Et. Al. DED DEPRM RP STP TE Salvo Auto Parts DED DEPRM RP STP TE Adela M. Lombardi And Florence Kunsky DED DEPRM RP STP TE Helaine G. And Melvin R. Trosch DED DPERM RP STP TE Baltimore Country Club of Baltimore City ED DPERM RP STP TE No Commant DED DPERM RP STP TE

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

> Charles & Patricia Chlabda 9751 Hagledt Road Baltimore HD 21234

> > 9751 Hagledt Boad 11th Election District - 6th Councilments

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Many contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 16, 1992. The closing date is August 31, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) great the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORMARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: August 11, 1992 Zoning Administration and Development Management

7700 91

08,21792

Ervin McDaniel, Chief Office of Planning and Zoning

Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee August 10, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Item No. 28, Alfred Pinkard Item No. 30, Bee Tree Partnership

Item No. 31, Albert Baumgart Item No. 32, Edith Ransom

Item No. 33, Michael and Patricia Perholty Item No. 34, Charles and Patricia Chlebda

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EM/FM/rdn

ITMS28.33/ZAC1

DPW/Traffic Engineering ାଖ / ଅଟି । , ଜଣ Development Review Committee Response Form Authorized signature K/ Sate 8/24/92 File Number Meering Date Stonegate at Patapsco (Azreai Property) . 90476 ZON DED TE (Waiting for developer to submit plans first) COUNT 1 Alfred Pinkard DED DEPRM RP STP TE Bee Tree Parthership DED DEPRM RP STP TE Albert F. Baumgart DED DEPRH OF STRITE Edith B. Ransom DED DEPRM RP STP TE Michael And Patricia A. Perholtz DED DEPRM RP STP TE Charles C., Sc. And Patricia G. Chelbda DED DEPRM RP STP TE . COUNT 6 Colonial Village Company DEPRM STP TE Susan J. Blum DEPRM STP TE COUNT 2



FINAL TOTALS

COUNT 9

THE PLAT "OWNERSHIP"

3602 Melanie Road Owner Homan, Frederick J and Kathleen C Account # : 1900008572 Map # Grid # Parcel # : 53 Subdivision : Village of Vanderway 5579 sq ft 0.1280 AC Front Footage: 60.00 feet Back Footage: 60.00 feet : 93.00 feet Side 2 : 93.00 feet LOT 17 9753 Magledt Road

Owner Nelson, Patricia A and Timothy M Account # Map # Grid # Parcel # Subdivision : Village of Vanderway 6967 sq ft 0.1599 AC Front Footage: 67.32 feet Back Footage: 77.03 feet : 104.00 feet : 106.17 feet

93-29-8